




Staff Report

To: The Honorable Mayor and City Council

From: Maxine Calloway  Community Planning & Development Director

Date: September 24, 2013

Re: Rezoning/ City Initiated Map Amendment, For Annexation Area 3

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED "LAND DEVELOPMENT REGULATIONS", BY AMENDING THE CITY'S OFFICIAL ZONING MAP, REFERENCED IN ARTICLE 1, SECTION 1-106, TO REFLECT THE REZONING OF THE NEWLY ANNEXED PROPERTIES BORDERED ON THE WEST-SIDE BY THE BISCAYNE CANAL, ON THE EAST-SIDE BY NORTHEAST 4TH AVENUE, ON THE SOUTH-SIDE BY NORTHEAST 131ST STREET, AND ON THE NORTH-SIDE BY NORTHEAST 135TH STREET (OTHERWISE KNOWN AS "AREA 3"), IN ORDER TO ASSIGN APPROPRIATE ZONING CATEGORIES THAT ARE CONSISTENT WITH THE CITY'S LAND DEVELOPMENT REGULATIONS AND COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

STAFF RECOMMENDATION

That the Mayor and Council approve the proposed ordinance to amend the city's official zoning map, referenced in Article 1, Section 1-106, to reflect the rezoning of the newly annexed properties in the area bordered on the west-side by the Biscayne Canal, on the east-side by Northeast 4th Avenue, on the south-side by Northeast 131st Street, and on the north-side by Northeast 135th Street (otherwise known as "Annexation Area 3").

PLANNING COMMISSION RECOMMENDATION

At its meeting on September 3, 2013 the Planning Commission (attended by Commissioners James, Each, Ernst, Castor and Seifried) reviewed and discussed the proposed ordinance to amend the city's official zoning map, referenced in Article 1, Section 1-106, to reflect the rezoning of the newly annexed properties. Staff provided an overview of the analysis and findings and explained that the subject area received an automatic zoning of R-1 as part of the initial annexation process and the proposed ordinance was necessary in order to assign applicable zoning to each parcel located within the subject area. Based on the information provided, the Planning Commission agreed that the rezoning was imperative as it allows for the orderly development of the area and the proper assignment of certain development rights for individuals owning land within the

subject area. As such, the Planning Commission rendered a unanimous approval of 5-0. The motion to approve was made by Commissioner Ernst and seconded by Commissioner Each.

BACKGROUND

Chapter 163, Florida Statutes, requires that each local government shall adopt and enforce land development regulations that are consistent with and implements their adopted Comprehensive Plan which regulates the use of land which is typically done in the form of a zoning map.

On November 22, 2011, the Mayor and City Council passed and adopted Resolution # 2011-150, authorizing City administration to file a formal annexation application with Miami-Dade County for the area bordered on the west-side by the Biscayne Canal, on the east-side by Northeast 4th Avenue, on the south-side by Northeast 131st Street, and on the north-side by Northeast 135th Street, otherwise known as "Annexation Area 3" (see attached location map). Consistent with the Section 1 106B.3 of the City's Land Development Regulations, the area was temporarily assigned an R-1 zoning. The City subsequently transmitted an annexation application and report for Area 3 to Miami Dade County for review and consideration.

On April 2, 2013, Miami-Dade Board of County Commissioners passed and adopted Ordinance Number 13-31, approving the annexation of Area 3 into the City, in accordance with Section 6.04(b) of the Miami-Dade County Charter and Chapter 20 of the Miami-Dade County Code of Ordinances. The adoption of annexation Area 3 necessitated the need for the City to amend not only the land use map but also to subsequently rezone said lands from the temporary R-1 (residential estate district) zoning to more appropriate zoning categories in order to ensure consistency with the City's Comprehensive Plan (Future Land Use Map) and the built environment. Attached is a copy of the City's partial zoning map depicting the proposed zoning categories for the lands within the subject area, as well as a map of the prior Miami Dade County zoning classifications before the area was annexed into the City's limits.

Section 3-1004 of the City's Land Development Regulations requires that all City initiated Map Amendments to the LDR must meet the following minimum criteria:

1. Promotes the public health, safety and welfare;

The proposed rezoning is necessary in order to assign the appropriate zoning classification to the commercial and residential parcels located within the boundaries of the newly annexed area (known as Annexation Area 3). Staff believes the proposed zoning map amendment ensures consistency with the Comprehensive Plan and the built environment thereby enhancing the City's overall health, safety and welfare.

2. Does not permit uses the Comprehensive Land Use Plan prohibits in the area affected by the zoning map change or text amendment

The uses associated with the proposed zoning map amendment are consistent with the proposed underlying uses contemplated in the Comprehensive Plan Future Land Use Map amendment that is simultaneously being considered for the subject annexation area.

3. Does not allow densities or intensities in excess of the densities and intensities which are permitted by the future land use categories of the affected property;

The proposed zoning map amendment does not exceed the densities and intensities that are proposed in the underlying land use designation. Policy 1.1 of the City's Comprehensive Plan (Future Land Use Element) establishes maximum densities and intensities in each land use category which restricts proposed developments throughout the City to certain minimum development standards. Additionally, Section 4-203 and 4-303 of the LDR provides maximum density and intensity standards for proposed developments in all residential and non-residential zoning districts. As such, all future developments must comply with the maximum densities and intensities standards outlined permitted in the City's Comprehensive Plan and the LDR.

4. Will not cause a decline in the level of service for public infrastructure which is the subject of a concurrency requirement to a level of service which is less than the minimum requirements of the Comprehensive Land Use Plan;

The subject area is currently within the City's water service area and is served by the City of North Miami. As proposed, the subject zoning map amendment will not cause a decline in the City's level of service for public infrastructure below the City's minimum standards. Per State Law, Section 163.3202 no local government shall issue a development order which reduces the level of service below the minimum standard established by the Comprehensive Plan. Furthermore, any new development proposed within the newly annexed area will be subject to review and must meet applicable concurrency requirements to ensure that the City's public facilities are not adversely impacted. If determined that any future development may adversely impact the City's current or future infrastructure, the applicant will be required to mitigate the impacts that exceed the established level of service for a given public facility.

5. Does not directly conflict with any goal, objective or policy of the Comprehensive Land Use Plan;

The proposed zoning map amendment is consistent with the goals, policies and objectives of the City's Comprehensive Plan. Specifically, Policy 8.1.7 which encourages the City to actively pursue development and growth management opportunities through several mechanisms including, but not limited to, the potential of annexations where necessary". The proposed ordinance directly satisfies the City's objective to annex certain lands and ensure their consistency with all City regulations.

6. The proposed amendment furthers the orderly development of the City of North Miami.

The adopted Comprehensive Plan establishes the overall vision to guide all future development in the City. As the implementing mechanism, the LDR must be consistent and work in sync with the goals and objectives and policies of the Comprehensive Plan. The recommended zoning map changes would allow the City to more easily achieve its goal to create a more orderly development pattern throughout its residential and nonresidential districts. Staff believes the proposed map amendment is consistent with the proposed future land use map and is necessary to maintain a seamless transition between the newly annexed lands and the surrounding City neighborhoods.

CONCLUSION

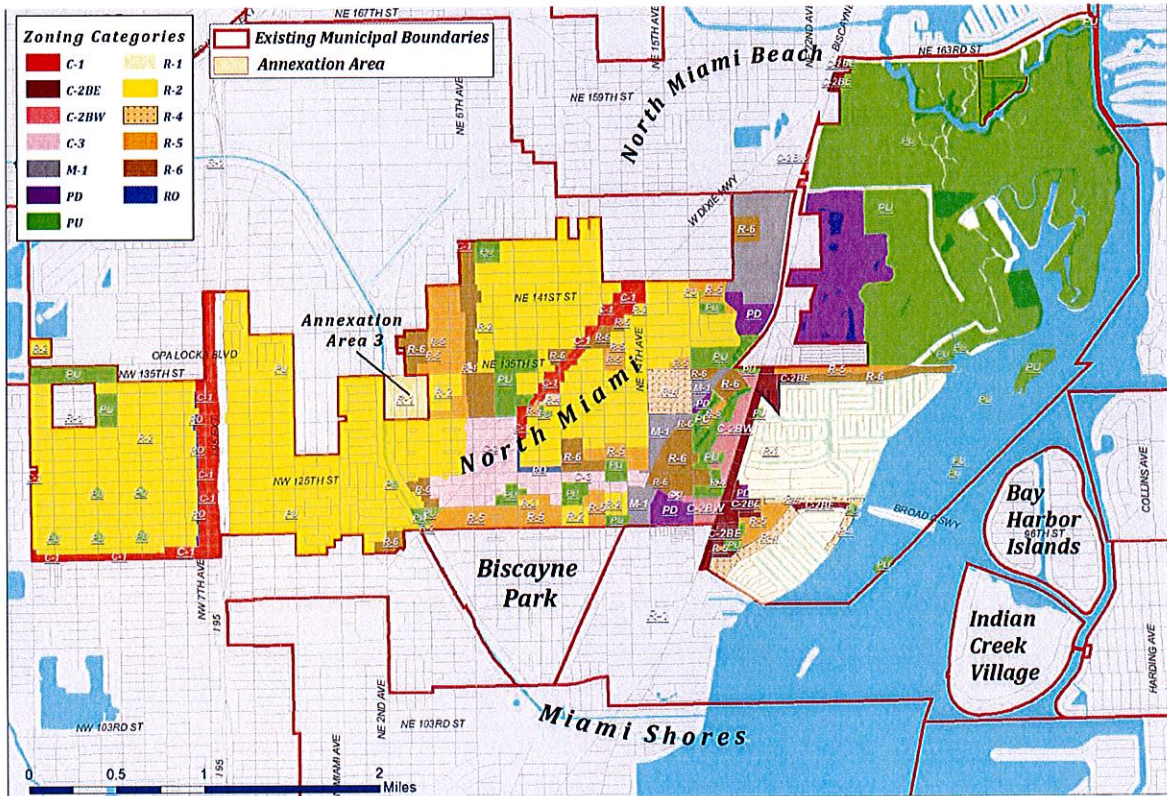
Based on the above analysis staff believes the proposed amendment satisfies the requirements of Section 3-1004 of the LDR and is consistent with the City's Comprehensive Plan. As such, staff recommends approval of the proposed ordinance.

TWS: mc

Attachments:

1. Proposed Ordinance
2. Exhibit 1 - Location Map of Annexation Area
3. Proposed Zoning Map of Area 3
4. Former County Zoning Map

LOCATION MAP OF NEWLY ANNEXED AREA 3



Annexation Area 3



ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED "LAND DEVELOPMENT REGULATIONS", BY AMENDING THE CITY'S OFFICIAL ZONING MAP, REFERENCED IN ARTICLE 1, SECTION 1-106, TO REFLECT THE REZONING OF THE NEWLY ANNEXED PROPERTIES BORDERED ON THE WEST-SIDE BY THE BISCAYNE CANAL, ON THE EAST-SIDE BY NORTHEAST 4TH AVENUE, ON THE SOUTH-SIDE BY NORTHEAST 131ST STREET, AND ON THE NORTH-SIDE BY NORTHEAST 135TH STREET (OTHERWISE KNOWN AS "AREA 3"), IN ORDER TO ASSIGN APPROPRIATE ZONING CATEGORIES THAT ARE CONSISTENT WITH THE CITY'S LAND DEVELOPMENT REGULATIONS AND COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, Policy 8.1.7 of the City of North Miami ("City") Comprehensive Plan, encourages the City to actively pursue development and growth management opportunities through several mechanisms including, but not limited to, the potential of annexations where necessary; and

WHEREAS, Section 1-106B.3 of the City Code of Ordinances, Land Development Regulations ("LDRs"), further requires that all lands annexed into the City shall automatically be zoned R-1 until such time that the appropriate zoning is assigned, consistent with the City's Comprehensive Plan; and

WHEREAS, on November 22, 2011, the Mayor and City Council passed and adopted Resolution Number 2011-150, authorizing the City administration to file a formal annexation application with Miami-Dade County for the area bordered on the west-side by the Biscayne Canal, on the east-side by Northeast 4th Avenue, on the south-side by Northeast 131st Street, and on the north-side by Northeast 135th Street (otherwise known as "Area 3"), and temporarily designating Area 3 as R-1, consistent with the requirements of the LDRs; and

WHEREAS, on April 2, 2013, the Miami-Dade Board of County Commissioners passed and adopted Ordinance Number 13-31, approving the annexation of Area 3 into the City, in

accordance with Section 6.04(b) of the Miami-Dade County Charter and Chapter 20 of the Miami-Dade County Code of Ordinances; and

WHEREAS, City administration analyzed the subject area and recommends that the properties be rezoned to appropriate zoning categories that complement existing uses as depicted in the partial zoning map (attached hereto as “Exhibit 1”); and

WHEREAS, the City Administration has taken the necessary steps to comply with the requirements specified in Section 166.041, Florida Statutes, which outline procedures for the adoption of ordinances that change the actual zoning map designation of parcels of lands involving ten (10) or more contiguous acres; and

WHEREAS, on September 3, 2013, after a duly noticed public hearing, the Planning Commission found the proposed ordinance consistent with the requirements of Section 3-1004 of the LDRs, and recommended approval to the Mayor and City Council; and

WHEREAS, on _____ the Mayor and City Council, after a duly noticed public hearing, determined that the proposed ordinance amending Article 1, Section 1-106 of the Code of Ordinances, is consistent with the City’s Comprehensive Plan and in the best interest of the City.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:

Section 1. Amendment to Official Zoning Map. The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 29 of the City of North Miami Code of Ordinances, entitled “Land Development Regulations”, by amending the City’s Official Zoning Map, referenced in Article 1, Section 1-106, to reflect the rezoning of the newly annexed properties bordered on the west-side by the Biscayne Canal, on the east-side by Northeast 4th Avenue, on the south-side by Northeast 131st Street, and on the north-side by Northeast 135th Street (otherwise known as “Area 3”), in order to assign appropriate zoning categories that are consistent with the City’s Land Development Regulations and Comprehensive Plan, as depicted in Exhibit 1, attached hereto.

Section 2. Conflicts. All ordinances or parts of ordinances in conflict or inconsistent with this Ordinance are repealed.

Section 3. **Severability.** The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. **Codification.** It is the intention of the City Council of the City of North Miami and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. **Effective Date.** This Ordinance shall not become effective until thirty one (31) days after the state land planning agency notifies the City that the Comprehensive Land Use Map amendment submitted to the state is complete if not otherwise challenged.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this _____ day of _____, 2013.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this _____ day of _____, 2013.

LUCIE M. TONDREAU
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

Mayor Lucie M. Tondreau	_____ (Yes)	_____ (No)
Vice Mayor Scott Galvin	_____ (Yes)	_____ (No)
Councilperson Carol Keys, Esq.	_____ (Yes)	_____ (No)
Councilperson Philippe Bien-Aime	_____ (Yes)	_____ (No)
Councilperson Marie Erlande Steril	_____ (Yes)	_____ (No)

Additions shown by underlining. Deletions shown by ~~overstriking~~.